

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

WILLIAM F. BATER,

)

PETITIONER)

)

v.

)

UNITED STATES OF AMERICA,

)

RESPONDENT)

)

CIVIL No. 09-398-P-H

ORDER ON MOTION TO VACATE, SET ASIDE OR VACATE SENTENCE

This motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 is **DISMISSED WITHOUT PREJUDICE** because it is clear that the appeal from the petitioner's direct conviction is still pending in the U.S. Court of Appeals for the First Circuit. He can bring his petition, if he so desires, when and if the judgment of conviction becomes final, so long as he observes the statutory one-year time limit then.

So ORDERED.

DATED THIS 23RD DAY OF SEPTEMBER, 2009

/S/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE